

PATENT

DOCKET NO.: 3DP-0418
Application No.: 10/058,215

REMARKS/ARGUMENTS

The Applicants thank the Examiner for his courtesy to their counsel in their phone conversations of yesterday and today.

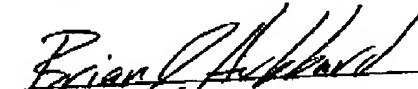
Claim 41 has been amended to remove tumor growth, metastasis, restenosis, and inflammation. These disorders were cited in the previous Office action as part of a rejection under 35 U.S.C. §112, first paragraph. Applicants strongly believe that (1) the Examiner has not set out a *prima facie* case of lack of enablement, and (2) even if he had, Applicants have shown sufficient reasoning to rebut the rejection. For example, regarding tumor growth and metastasis, Applicants have noted in their most recent response:

As stated in a recent review by Kumar (*Current Drug Targets*, 2003, 4, 123-131), tumor cells elicited a robust angiogenic response due to an increase secretion of angiogenic factors and a decrease in angiogenic inhibitors. He states " $\alpha v \beta 3$ receptor has a central role in the process of angiogenesis downstream from all recognized angiogenic factors, suggesting that targeting this receptor may [may] elicit significant inhibition of angiogenesis and tumor growth." *Id.* at 125. In addition, integrins play a direct, albeit less well-defined, role in tumor and endothelial cell interactions which may involve tumor invasion and establishment of metastases. Examples of supportive data include the upregulation of $\alpha v \beta 3$ expression in the metastatic phenotype of breast cancer (G. Gasparini et al., *Clin. Cancer Res.* 2000, 6, 2625-2634) and in prostate cells that metastasize to bone and attach to bone through osteopontin a ligand for $\alpha v \beta 3$ and a key component of the bone matrix (M. Edlund et al., *Cell Growth Differ.* 2001, 12, 99-107). The evidence would suggest a role for the use of integrin antagonists in the treatment of tumor metastases. (Emphasis added)

Applicants are confident that they will ultimately prevail on this issue. However, in the interests of letting the application proceed to allowance as quickly as possible, Applicants have decided to pursue this subject matter in a co-pending continuation application. Claims 42, 44, and 45 have been canceled without prejudice or disclaimer for the same reason.

The remaining claims are in condition for allowance.

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